

Bill no.:	HR 2983
H.L.C.	
Amendment no.:	7
Date offered:	10/31/01
Disposition:	Agreed to by VV

AMENDMENT TO H.R. 2983
OFFERED BY MR. DINGELL AND MR. TAUZIN

At the end of the bill, insert the following new sections:

1 **SEC. 11. FINANCIAL ACCOUNTABILITY.**

2 (a) AMENDMENT.—Section 170 of the Atomic En-
3 ergy Act of 1954 (42 U.S.C. 2210) is amended by adding
4 at the end the following new subsection:

5 “v. FINANCIAL ACCOUNTABILITY.—(1) Notwith-
6 standing subsection d., the Attorney General may bring
7 an action in the appropriate United States district court
8 to recover from a contractor of the Secretary (or subcon-
9 tractor or supplier of such contractor) amounts paid by
10 the Federal Government under an agreement of indem-
11 nification under subsection d. for public liability resulting
12 from conduct which constitutes intentional misconduct of
13 any corporate officer, manager, or superintendent of such
14 contractor (or subcontractor or supplier of such con-
15 tractor).

16 “(2) The Attorney General may recover under para-
17 graph (1) an amount not to exceed the amount of the prof-
18 it derived by the defendant from the contract.

19 “(3) No amount recovered from any contractor (or
20 subcontractor or supplier of such contractor) under para-

1 graph (1) may be reimbursed directly or indirectly by the
2 Department of Energy.

3 “(4) Paragraph (1) shall not apply to any nonprofit
4 entity conducting activities under contract for the Sec-
5 retary.

6 “(5) No waiver of a defense required under this sec-
7 tion shall prevent a defendant from asserting such defense
8 in an action brought under this subsection.

9 “(6) The Secretary shall, by rule, define the terms
10 ‘profit’ and ‘nonprofit entity’ for purposes of this sub-
11 section. Such rulemaking shall be completed not later than
12 180 days after the date of the enactment of this sub-
13 section.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall not apply to any agreement of indem-
16 nification entered into under section 170 d. of the Atomic
17 Energy Act of 1954 (42 U.S.C. 2210(d)) before the date
18 of the enactment of this Act.

19 **SEC. 12. CIVIL PENALTIES.**

20 (a) REPEAL OF AUTOMATIC REMISSION.—Section
21 234A b. (2) of the Atomic Energy Act of 1954 (42 U.S.C.
22 2282a(b)(2)) is amended by striking the last sentence.

23 (b) LIMITATION FOR NONPROFIT INSTITUTIONS.—
24 Subsection d. of section 234A of the Atomic Energy Act

1 of 1954 (42 U.S.C. 2282a(d)) is amended to read as fol-
2 lows:

3 "d. Notwithstanding subsection a., a contractor, sub-
4 contractor, or supplier described in section 501(c)(3) of
5 the Internal Revenue Code of 1986 and exempt from tax
6 under section 501(a) of such Code shall not be subject
7 to a civil penalty for a violation under subsection a. in
8 excess of the amount of any discretionary fee paid to such
9 contractor, subcontractor, or supplier under the contract
10 under which such violation occurs."

11 (c) EFFECTIVE DATE.—The amendments made by
12 this Act shall not apply to any violation of the Atomic En-
13 ergy Act of 1954 occurring under a contract entered into
14 before the date of the enactment of this Act.

